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## Lead Counsel for Non-Consumer Economic Loss Plaintiffs

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

This documents relates to:

## ALL ACTIONS

Case No.: 8:10ML2151 JVS (FMOx)

**STATEMENT OF PLAINTIFFS'  
CO-LEAD COUNSEL FOR  
ECONOMIC LOSS PLAINTIFFS  
REGARDING MOTION FOR  
LEAVE TO FILE AMENDED  
COMPLAINT FOR PLAINTIFFS  
MELANIE BERLIEB, ELVIRA  
GESELL AND THE CLASS OF  
GERMAN PLAINTIFFS  
WITHOUT COMPLIANCE WITH  
COURT ORDER NO. 4**

Date: Sept. 13, 2010  
Time: 3:00 p.m.  
Place: Courtroom 10C

1 Plaintiffs' Co-Lead Counsel for Economic Loss Plaintiffs respectfully submit  
2 this statement regarding the Motion for Leave to File Amended Complaint for  
3 Plaintiffs Melanie Berlieb, Elvira Gesell, and the Class of German Plaintiffs  
4 Without Compliance with Court Order No. 4 (Doc. 265).

5 We wish to make two observations regarding this motion.

6 First, by their motion, these two plaintiffs apparently seek to amend the same  
7 complaint that other foreign plaintiffs represented by Monica R. Kelly seek to  
8 amend through the Master Consolidated Complaint on Behalf of Foreign Plaintiffs  
9 (Doc. 266), which is the subject of the Court's Order to Show Cause (Doc. 269).  
10 Specifically, both pleadings appear to relate to the amended complaint filed in Case  
11 No. 8:10-cv-00738, which was originally brought in the United States District  
12 Court for the Northern District of Illinois under Case No. 1:10-cv-01931. *See* Doc.  
13 271 at 1–2, ¶1 (Foreign Plaintiffs' OSC Statement); Doc. 265-1 at 1, ¶1 (German  
14 Plaintiffs' Motion for Leave). Indeed, these two plaintiffs were named in the  
15 amended complaint filed in that action.

16 Second, as these plaintiffs point out in their motion, Co-Lead Counsel did not  
17 (and do not) consent to the filing of the motion to file the proposed Amended Class  
18 Action Complaint.

1  
2 Dated: August 23, 2010

3  
4 Respectfully submitted,

5 By: /s/ Steve W. Berman

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